

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding
the Implementation of the Suspension of
Direct Access Pursuant to Assembly Bill
1X and Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
SHORTENING TIME TO RESPOND TO ANY APPLICATIONS
FOR REHEARING OF DECISION 03-05-034 OR DECISION 03-05-036**

Decision (D.) 03-05-034, regarding disposition of issues relating to the switching exemption, and Decision (D.) 03-05-036, regarding disposition of San Diego Gas and Electric Company's Petition for Modification of D.02-11-022 regarding the Navy Load of 80 MW, were adopted by the Commission at the meeting of May 8, 2003, and mailed to the parties on May 9, 2003. The decisions construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Public Utilities Code Section 1731, and added Public Utilities Code Section 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within ten days after the date of issuance of the decision. (Pub. Util. Code, § 1731, subd. (c).) Accordingly, applications for rehearing of D.03-05-034 or

D.03-05-036 are due ten days after the issuance of those decisions.¹ Applications for rehearing of these decisions must be filed by May 19, 2003. A separate application for rehearing shall be filed for each decision. Any application for rehearing shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any application for rehearing shall also be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue decisions and orders on rehearing of D.03-05-034 and D.03-05-036 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on June 5, 2003.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until June 3, 2003, two (2) days before the June 5, 2003 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,² the time for filing a response to any application for

¹ In the decision, the Commission specifically noted the applicability of Public Utilities Code Section 1731(c), and in particular the 10-day time for filing applications for rehearing.

² See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

rehearing shall be shortened to May 27, 2003. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before May 27, 2003. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of D.03-05-034 or D.03-05-036 that may be filed shall be shortened. Any party filing responses to such applications for rehearing shall file the responses on or before May 27, 2003, and shall serve the responses in the manner specified above. Any party filing an application for rehearing of D.03-05-034 or D.03-05-036 shall file the application on or before May 19, 2003, and shall serve the responses in the manner specified above.

Further, in order to expedite the above matters, any application for rehearing or response to such rehearing application shall be filed at the Commission's San Francisco Office, on or before the due date.

Dated May 9, 2003, at San Francisco, California.

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.03-05-034 or D.03-05-036 on all parties of record in this proceeding or their attorneys of record.

Dated May 9, 2003, at San Francisco, California.

Nelly Sarmiento

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.